

REMARKS

Claims 1-7, 9-13 and 15-20 are now pending in the application. Claims 1, 9-13 and 17 have been amended through this amendment, and claims 8 and 14 have been cancelled through this amendment. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the amendments and remarks contained herein.

CLAIM OBJECTIONS

The Examiner has requested that Claim 17 should be amended at line 5 to read "the part." Applicant has amended this claim in accordance with the Examiner's request.

DOUBLE PATENTING

The Examiner has objected to claim 14 as being a substantial duplicate of claim 13. Applicant has cancelled claim 14 to address the objection.

REJECTION UNDER 35 U.S.C. § 112

Claims 1 and 9 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Examiner has requested additional information on how the signal detector, lock-in amplifier and meter are related or connected together. Applicant has amended claims 1 and 9 to provide the requested information on how these items are connected together, and it is submitted that these

amendments should also address dependent claims 2-7 and 10-13. Since this information is provided in the specification at paragraphs [0017], [0018] and [0019], no new matter is being added through this amendment.

REJECTION UNDER 35 U.S.C. § 103

Claims 1-7, 9-14 and 17-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Egan et al. (U.S. Pat. No. 4,097,751). Applicant has amended claims 1 and 9 to clarify the invention, and has cancelled claim 8 as now being redundant. It is respectfully submitted that the Egan reference does not disclose a collimating lens positioned parallel to a focal plane of such device, wherein the collimating lens is operable to receive a diverging beam of light from the focal plane, direct the beam of light substantially normal to the surface of a reflex part, receive the light beam back from the reflex part and converge the light beam to the focal plane. It is further submitted that this amendment also serves to address the objection to dependent claims 2-7 and 10-13 (claim 14 already having been cancelled).

With regard to claims 17-20, claim 17 has been amended to clarify the invention. It is respectfully submitted that the Egan reference does not disclose the method step of reflecting the output signal through a lens and onto the part being tested and back through the lens to an input sensor to create an input signal. It is further submitted that this amendment also serves to address the objection to dependent claims 18-20.

Applicant has also amended the dependency of claims 10-13 to become dependent upon claim 9, instead of claim 8, thereby correcting a previous typographical error.

Claim 8 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Egan et al. (U.S. Pat. No. 4,097,751) in view of Kazumi (Japanese Patent No. 05-265649). While the language of claim 8 has substantially been merged into claim 1 in order to clarify the invention, it is respectfully submitted that the combination of the Kazumi and Egan teachings still would not yield the present invention. The Kazumi reference is not properly combinable with the Egan reference, because Kazumi operates under different operating principles from Egan. Specifically, Kazumi does not utilize a chopper to separate the light emanating from the light source. Further, Kazumi fails to utilize frequency modulation in any way, which enables the device and method of the present invention to be practiced in daylight. In addition, the Kazumi system requires the use of a one-way mirror, which reduces accuracy in the measurements being performed. For these reasons, the combination of the Egan and Kazumi references would not yield a comparable device and method to the present invention.

ALLOWABLE SUBJECT MATTER

Applicant acknowledges the Examiner's finding that claims 15 and 16 are allowed.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly addressed. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of

this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned directly at (248) 641-1239.

Respectfully submitted,

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